

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

KENNETH MILLER, et al.,

Criminal No. 05-M-142

Defendants.

The preliminary hearing/status conference which was scheduled for October 19, 2005, is adjourned and is now scheduled for **October 26, 2005, at 11:00 a.m.**

In accordance with the Second Circuit Speedy Trial Guidelines, Part I(C)(3)(a) and (b), and upon the authority of *United States v Piontek*, 861 F.2d 152, 154 (7th Cir., 1988); *United States v Montoya*, 827 F.2d 143, 153 (7th Cir., 1987); *United States v. Wilson*, 835 F.2d 1440, 1444 (D.C. Cir., 1987); *United States v Tibboel*, 753 F.2d 608, 610 (7th Cir., 1985); and *United States v Jodoin*, 672 F.2d 232, 238 (1st Cir., 1982), the period of time from October 20, 2005, until October 26, 2005, is excluded under 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED.

/s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, Jr.
United States Magistrate Judge

DATED: September 15, 2005
Buffalo, New York